



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Morgan )

Art Unit: 2132 )

Serial No.: 09/872,797 )

Examiner: Dinh )

Filing Date: June 1, 2001 )

Case No.: ARC920000133US1 )

For: INTERNET AUTHENTICATION WITH MULTIPLE )  
INDEPENDENT CERTIFICATE AUTHORITIES )

January 4, 2006 )  
750 B Street, Suite 3120 )  
San Diego, CA 92101 )

**TRANSMITTAL LETTER - PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Commissioner of Patents and Trademarks  
Alexandria, VA 22313

Dear Sir:

In response to the Notice of Abandonment dated December 14, 2005, enclosed are the following documents:

- (1) Petition for Revival of an application for Patent Abandoned Unintentionally (PTO/SB/64) in 2 pages;
- (2) Cover Letter for Petition to Revive;
- (3) Notice of Abandonment in 1 page;
- (4) 4 Sheet of Formal "Replacement Sheet" Drawings;
- (5) Cover Page and Office Action Summary from April 14, 2005 Office Action;
- (6) Cover Page and Office Action Summary from December 23, 2004 Office Action;
- (7) Acknowledgment postcard.

**X The Commissioner is hereby authorized to charge Deposit Account No. 09-0441 in the amount of \$1500.** The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR 1.16 or any patent application processing fees under 37 CFR 1.17 in association with this communication or credit any overpayment to **Deposit Account No. 09-0441.**

Respectfully submitted,

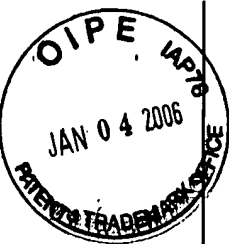
John L. Rogitz, Attorney of Record  
Registration No. 33,549  
750 "B" Street, Suite 3120  
San Diego, CA 92101  
Telephone: (619) 338-8075

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this document, together with any papers described as attached or enclosed, is being with the United States Postal Service, "Express Mail Post Office to Addressee" service, Express Mailing Label No. EV 568339201 US under 37 CFR 1.10, addressed to Commissioner for Patents, Mail Stop PETITION, P.O. Box 1450, Alexandria, VA 22313-1450 on January 4, 2006.

Date Signed: January 4, 2006

Jennifer Grygiel



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Morgan	)	Art Unit: 2132
	)	
Serial No.: 09/872,797	)	Examiner: Dinh
	)	
Filed: June 1, 2001	)	ARC920000133US1
	)	
For: INTERNET AUTHENTICATION WITH MULTIPLE	)	December 21, 2005
INDEPENDENT CERTIFICATE AUTHORITIES	)	750 B STREET, Suite 3120
	)	San Diego, CA 92101
	)	

COVER LETTER FOR PETITION TO REVIVE

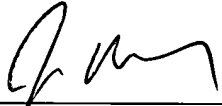
Commissioner of Patents and Trademarks  
Washington, DC 20231

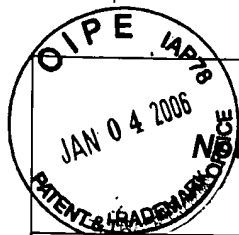
Dear Sir:

In response to the Notice of Abandonment dated December 14, 2005, alleging that Applicant failed to submit formal drawings with the issue fee, enclosed is a petition with fee to revive, formal drawings, and copies of the Office Action summary sheets issued December 23, 2004 and April 14, 2005. You will note that in the first Office Action summary, the "accepted" box was checked in part (10); in the second Office Action summary, the examiner failed to check the "objected to" box in part (10). Part (6) of the Notice of Allowability was checked indicating that formal drawings were required, but it gave no indication of what, precisely, had been objected to previously, did not (because it could not) refer back to a previous draftsman's note, and in fact could not have since to date no specific objections to the drawings have ever been lodged.

Accordingly, Applicant hereby requests refund of the revival fee to the deposit account listed on the Petition.

Respectfully submitted,

  
\_\_\_\_\_  
John L. Rogitz  
Registration No. 33,549  
Attorney of Record  
750 B Street, Suite 3120  
San Diego, CA 92101  
Telephone: (619) 338-8075



# **Notice of Abandonment**

Application No.

09/872,797

Examiner

DINH

Applicant(s)

MORGAN

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

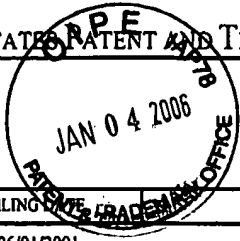
1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☒ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☒ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

LGD

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



# UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,797	06/01/2001	Stephen Paul Morgan	ARC920000133US1	4139

7590 04/14/2005  
John L. Rogitz  
Rogitz & Associates  
Suite 3120  
750 B Street  
San Diego, CA 92101

EXAMINER

DINH, MINH

ART UNIT PAPER NUMBER

2132

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**



Application No.

09/872,797

Applicant(s)

MORGAN ET AL.

Examiner

Minh Dinh

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |